MADRAS ACT No. III OF 1885.[1]

[THE MADRAS OUTPORTS LANDING AND SHIPPING FEES ACT, 1885.]

[*10th April 1885* ; *15th May 1885*.]

An Act to make provision for the levying of landing and shipping fees within the outports of the Presidency of Fort St. George.

Preamble. WHEREAS it is expedient to make rules and regulations for the levying of landing and shipping fees within the outports of the Presidency of Fort St. George ; It is enacted as follows :—

[* * * * *].[2]

Short title. **1.** This Act may be called the Madras Outports Landing and Shipping Fees Act, 1885. It shall come into force in any port within the Presidency of Fort St. George from such date as the [3] [Government] may, by notification in the [4] [Official Gazette], direct.

Repeal [5] [**2.** The Madras Pier Act, 1863, and the Madras Pier Amendment Act, 1871, are repealed.]

Interpretation clause. **3.** In this Act, unless there shall be something repugnant in the subject or context,—

"Port". (1) "port" means the space within such limits as may from time to time be defined by the Government for the purposes of this Act by notification in the [4] [Official Gazette], and until a notification is so issued within such limits as may have been defined by the Government under the provisions of Act XII of 1875 (Indian Ports Act) [6]:

"Vessel". (2) "vessel" denotes anything made for the conveyance by water of human beings of property :

---

[1] For Statement of Objects and Reasons, *see Fort St. George Gazette*, Supplement, dated 3rd February 1885, p. 2 ; for Report of the Select Committee, *see ibid*, dated 24th March 1885, p. 1 : for Proceedings in Council *see ibid*, dated 17th February 1885, p. 5 ; and *ibid*, dated 8th April 1885, p. 8.

[2] The words and figure "Part I—Preliminary" were omitted by section 3 of the Madras Outports Landing and Shipping Fees (Amendment) Act, 1919 (Madras Act V of 1919).

[3] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation Order of 1937 and the word "Provincial" was omitted by the Adaptation (Amendment) Order of 1950.

[4] These words were substituted for the words "*Fort St. George Gazette*" by the Adaptation Order of 1937.

[5] Section 2 was substituted by section 4 of the Madras Outports Landing and Shipping Fees (Amendment) Act, 1919 (Madras Act V of 1919).

[6] *See* now the Indian Ports Act, 1908 (Central Act XV of 1908).

[1] [(3) " Drift " includes timber or other floating matter whether the same is in the possession or under the control of any person or not.] " Drift."

[2] [(4)] " owner," when used in relation to goods, [3] [or drift] includes any consignor, consignee, shipper or agent for the sale, custody, landing or shipping of such goods [3] [or drift]. " Owner."

[2] [(5)] the word " goods " includes wares and merchandise of every description [4] [and carts, carriages, animals, baggage and other articles.] " Goods."

[5] [(6) " Government " or " the Government " means, in relation to a port which is a major port within the meaning of the Indian Ports Act, 1908, the Central Government and, in relation to any other port, the State Government.] " Government."

[6] [* * * * * * * * * *].

4. Landing and shipping fees, according to the rates which may be fixed [7] [by the [8] (Government)] from time to time [9] [may be levied] upon all [10] [passengers and] goods [11] [* * * *] landed from or shipped into any vessel lying or being within the limits of any port within the Presidency of Fort St. George to which this Act may be applied. Such fees shall be payable in addition to all tolls and charges now lawfully levied within such port : Levy of landing and shipping fees.

---

[1] The original sub-sections (3) and (4) were renumbered (4) and (5) and this sub-section was inserted by section 5 of the Madras Outports Landing and Shipping Fees (Amendment) Act, 1919 (Madras Act V of 1919).

[2] The original sub-sections (3) and (4) were renumbered (4) and (5) by *ibid.*

[3] The words " or drift " were added by section 6, *ibid.*

[4] The words within square brackets were added by section 7, *ibid.*

[5] This clause was inserted by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

[6] The words and figures " Part II—Of the payment of Landing and Shipping Fees " were omitted by section 3 of the Madras Outports Landing and Shipping Fees (Amendment) Act, 1919 (Madras Act V of 1919).

[7] The words " by the Governor in Council " were inserted by section 3 of the Madras Outports Landing and Shipping Fees (Amendment) Act, 1915 (Madras Act I of 1916).

[8] This word was substituted for the words " Governor in Council " by the Adaptation Order of 1937.

[9] The words " may be levied " were substituted for the words " shall be levied " by section 3 of the Madras Outports Landing and Shipping Fees (Amendment) Act, 1915 (Madras Act I of 1916).

[10] The words within square brackets were inserted by section 8 of the Madras Outports Landing and Shipping Fees (Amendment) Act, 1919 (Madras Act V of 1919).

[11] Certain words were omitted by *ibid.*

[1] [Provided that the [2] [Government] may, by general or special order, exempt any class or classes of [3] [passengers or] goods from payment of fees under this Act, and may, in special cases, remit the whole or any portion of any charge levied under this section.]

Rates of fees to be notified.

5. Such rate shall be notified in the [4] [Official Gazette] at least one month before the date from which the same shall become payable, and shall be legibly painted in the English, Tamil, Telugu and Hindustani languages on boards exhibited at the places appointed under section 6.

Rules.

6. The Government may from time to time make rules—

(*a*) appointing places where goods [5] [or particular classes of goods] intended for shipment or landed from ships within the port are to be placed for the purpose of assessing the fees payable under this Act [5] [and places where passengers may land or embark]

(*b*) regulating the manner in which such fees shall be assessed and the time when they shall be paid ;

[6] [(*c*) providing for the ascertainment and recovery of the amount of any damage that may be caused to a pier, jetty, wharf, quay or other work in a port by any person or by any vessel or drift ; and

(*d*) generally for carrying out the purposes of this Act.]

Such rules and any alteration or cancellation thereof shall be published in the [4] [Official Gazette], and shall thereupon have the force of law.

Appointment of officer to levy and receive landing and shipping fees.

7. The [2] [Government] shall appoint an officer of Government to levy and receive all fees payable under this Act, and to pay the same into such treasury, and keep such accounts as the Government may from time to time prescribe. The officer so appointed may, with the sanction of the Government, appoint such persons as he shall think fit to assist him in carrying out the provisions of this Act, all of whom shall wear a distinguishing badge of a kind to be prescribed by such officer.

---

[1] The proviso to section 4 which was repealed by Madras Act VIII of 1914 was added by section 3 of the Madras Outports Landing and Shipping Fees (Amendment) Act, 1915 (Madras Act I of 1916).

[2] This word was substituted for the words " Governor in Council " by the Adaptation Order of 1937.

[3] The words " passengers or " were inserted by section 9 of the Madras Outports Landing and Shipping Fees (Amendment) Act, 1919 (Madras Act V of 1919).

[4] These words were substituted for the words " *Fort St. George Gazette* " by the Adaptation Order of 1937.

[5] These words were inserted by section 10 of the Madras Outports Landing and Shipping Fees (Amendment) Act, 1919 (Madras Act V of 1919).

[6] Clauses (*c*) and (*d*) were added by section 11, *ibid*.

Detention of goods until payment of fees.

8. It shall be lawful for the officer of Government appointed under this Act or any of his assistants to detain any such goods until the lawful fees are paid ; it shall be the duty of such officer to give notice in writing to the owner or consignee if known, stating the amount of fees and charges payable in respect of such goods, and, in the event of such payment being refused or delayed for the space of fourteen days from the date of such notice if the owner or consignee of such goods shall be in the port concerned, or otherwise for the space of one calendar month from the date on which such fees are payable, it shall be lawful for such officer of Government to sell or cause to be sold by public auction the said goods, and after paying the expenses of such detention and sale and double the amount of the fees by way of a fine, to pay the surplus, if any, of the proceeds of the sale to the owner or consignee or other person entitled thereto, if claimed within six months from the date of sale :

Proviso.

Provided that, if the goods are of a perishable nature, the said officer of Government may sell the same or cause them to be sold at such earlier period being not less than twenty-four hours after the landing of the goods as he shall think fit.

[1] [* * * * * * * * *].

[2] [**9.** Where any vessel or drift fouls a pier, jetty, wharf or quay and causes damage thereto, the owner or master of the vessel or the owner of the drift, as the case may be, shall be liable for the amount of such damage which may be ascertained and recovered, in accordance with rules made by the [3] [Government], either by seizure and sale of such vessel or drift and of any property thereon or in such other manner as may be prescribed.]

[4] [**10.** (1) The law for the time being in force for the punishment of offences relating to the levy or payment of duties of sea-customs and for the reward of informers shall, as far as may be, apply to similar offences committed in respect of fees leviable under this Act.

(2) Save as provided in sub-section (1) any contravention of any rule made under this Act shall be punishable with fine not exceeding one hundred rupees.]

---

[1] The words and figures "Part III—Penalties" were omitted by section 3 of the Madras Outports Landing and Shipping Fees (Amendment) Act, 1919 (Madras Act V of 1919).

[2] The original section 9 was renumbered as section 10 and the new section 9 was added by section 12, *ibid*.

[3] This word was substituted for the words "Governor in Council" by the Adaptation Order of 1937.

[4] This section was substituted for the original section 10 as renumbered by section 13 of the Madras Outports Landing and Shipping Fees (Amendment) Act, 1919 (Madras Act V of 1919).